

# EXHIBIT 2

Michael Malone

August 22, 2022

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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

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HUNTERS CAPITAL, LLC, et al.,     )  
  Plaintiffs,     )  
  vs.                     ) No. 20-cv-00983-TSZ  
CITY OF SEATTLE,                     )  
  Defendant.         )

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ZOOM VIDEO-RECORDED DEPOSITION UPON ORAL EXAMINATION  
OF  
MICHAEL MALONE

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ATTENDANCE OF ALL PARTICIPANTS VIA  
ZOOM VIDEO CONFERENCE  
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9:00 a.m.  
August 22, 2022

REPORTED BY: Lauren G. Harty, RPR, CCR #2674

1 A. I left them in my Inbox.

2 Q. So you -- why weren't they there on -- in --  
3 on May 3rd, 2021?

4 A. I -- I --

5 MR. REILLY-BATES: Objection; asked and  
6 answered. He already testified he doesn't know.

7 MR. CRAMER: Well, he's now changed his --  
8 his testimony, so --

9 Q. (By Mr. Cramer) I want to be real clear.  
10 You're under oath, Mr. Malone.

11 A. Yeah. Right.

12 Q. Is -- is it your testimony that you  
13 periodically cleaned out your message history --

14 A. No.

15 Q. -- on your phone?

16 A. No. I -- I have never cleaned out my  
17 history. I'll go sometimes and clean out text  
18 messages because I think I'm, you know, improving the  
19 power of my phone or something, but it's -- but  
20 they're random messages.

21 Q. Okay.

22 So you did periodically swipe to delete the  
23 text messages from the message app on your phone.

24 A. Yes.

25 Q. Okay.

1 somebody came in from your office and used a  
2 conference room.

3 Q. Okay. It probably was not my office. It  
4 might have been -- been Gabe's or a vendor.

5 Now scroll up to page 10. Are you at  
6 page 10?

7 MR. REILLY-BATES: Yes.

8 A. Yep.

9 Q. (By Mr. Cramer) Okay.

10 And it says, "Plaintiffs refer the City to  
11 their letter dated December 23rd, 2021. Plaintiffs do  
12 not have access to Mr. Malone's prior phone nor to any  
13 backup prior to March 26, 2021."

14 Is -- the date March 26, 2021, is that  
15 the -- the date where you have text messages from that  
16 date going forward?

17 A. I guess.

18 Q. Okay.

19 And why do you have messages from that date  
20 going forward?

21 A. I have no idea. I have no idea why I don't  
22 have messages prior to it because I definitely didn't  
23 clean all the messages out of my phone.

24 Q. Did you -- did you have a meeting with  
25 counsel on March 26, 2021?

## 1 C E R T I F I C A T E

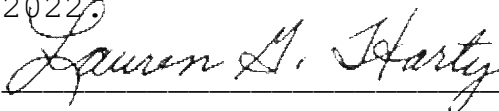
2 STATE OF WASHINGTON )  
3 ) ss.  
4 COUNTY OF KING )

5 I, the undersigned Washington Certified Court  
6 Reporter, hereby certify that the foregoing deposition  
7 upon oral examination of MICHAEL MALONE was taken  
8 before me on August 22, 2022, and transcribed under my  
9 direction;

10 That the witness was duly sworn by me pursuant  
11 to RCW 5.28.010 to testify truthfully; that the  
12 transcript of the deposition is a full, true, and  
13 correct transcript to the best of my ability; that I  
14 am neither attorney for nor a relative or employee of  
15 any of the parties to the action or any attorney or  
16 counsel employed by the parties hereto, nor am I  
17 financially interested in its outcome;

18 I further certify that in accordance with  
19 CR 30(e), the witness was given the opportunity to  
20 examine, read, and sign the deposition within 30 days  
21 upon its completion and submission, unless waiver of  
22 signature was indicated in the record.

23 IN WITNESS WHEREOF, I have hereunto set my hand  
24 this 29th day of August, 2022.

25 

LAUREN G. HARTY, CCR #2674

